

PRELIMINARY INSTRUCTION NO. P-1

Ladies and gentlemen: You are now the jury in this case, and I am going to take the next few minutes to talk with you about your duties as jurors and to provide you with some preliminary instructions on the law that you are to follow in carrying out your duties. At the end of the trial I will give you more detailed instructions, along with these instructions, to use in your deliberations.

PRELIMINARY INSTRUCTION NO. P-2

This is a criminal case brought by the United States government. The government charges the defendant with two counts of Aggravated Sexual Abuse of a Child, in violation of 18 U.S.C. §§ 1152 and 2241(c), one count of Attempted Aggravated Sexual Abuse of a Child, in violation of 18 U.S.C. §§ 1152 and 2241(c), one count of Attempted Sexual Abuse of a Minor, in violation of 18 U.S.C. §§ 1152 and 2243(a), and one count of Abusive Sexual Contact of a Minor, in violation of 18 U.S.C. §§ 1152 and 2244(a)(2).

The Indictment contains the charges against the defendant. The Indictment simply describes the charges made by the government against the defendant; it is not evidence of anything.

The defendant has pled not guilty to the charges and he is presumed innocent unless and until the government proves the defendant guilty beyond a reasonable doubt. The defendant has the right to remain silent and never has to prove innocence or to present any evidence.

PRELIMINARY INSTRUCTION NO. P-3

The evidence you are to consider in deciding what the facts are consists of the following items:

- * the sworn testimony of any witness;
- * the exhibits that are received into evidence; and
- * any facts to which the lawyers stipulate or agree.

PRELIMINARY INSTRUCTION NO. P-4

You must not consider any of the following as evidence in deciding the facts of this case:

- * statements and arguments of the lawyers;
- * questions and objections of the lawyers;
- * testimony that I instruct you to ignore or disregard;
- * evidence that the Court excludes; and
- * anything you may see or hear when the court is not in session even if what you see or hear is done or said by one of the parties or by one of the witnesses.

PRELIMINARY INSTRUCTION NO. P-5

Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw or heard or did. Circumstantial evidence is indirect evidence, that is, it is proof of one or more facts from which one can find another fact.

You should consider both direct and circumstantial evidence. The law permits you to give equal weight to both, but it is for you to decide how much weight to give to any evidence.

PRELIMINARY INSTRUCTION NO. P-6

Legal principles known as rules of evidence govern what can be received into evidence or into the record in a trial. If a lawyer asks a question or offers an exhibit into evidence, and a lawyer on the other side thinks that the question is not proper and should not be answered, or that the exhibit should not be admitted, that lawyer may object. If I overrule the objection, the question may be answered or the exhibit received. If I sustain the objection, the question cannot be answered, or the exhibit cannot be received. If I sustain an objection to a question, you must ignore the question and must not guess what the answer might have been. If I sustain an objection to an exhibit, you must not guess or speculate about the substance or content of the exhibit.

PRELIMINARY INSTRUCTION NO. P-7

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account:

- * the opportunity and ability of the witness to see or hear or know the things to which the witness testified;
- * the witness's memory;
- * the witness's manner while testifying;
- * the witness's interest in the outcome of the case and any bias or prejudice;
- * whether other evidence contradicted the witness's testimony;
- * the reasonableness of the witness's testimony in light of all the evidence; and
- * any other factors that bear on believability.

The weight of the evidence as to a fact does not necessarily depend on the number of witnesses who testify about it.

PRELIMINARY INSTRUCTION NO. P-8

If you wish, you may take notes to help you remember what witnesses said. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. Do not let note-taking distract you so that you do not hear other answers by witnesses. When you leave at the end of the day, your notes should be left in the jury room.

Whether you take notes, you should rely on your own memory of what was said. Notes should be used only to assist your memory. You should not be overly influenced by the notes.

PRELIMINARY INSTRUCTION NO. P-9

Until the trial is over:

You are not to communicate by any means or to discuss this case with anyone, including your fellow jurors, members of your family, people involved in the trial, or anyone else, neither are you allowed to permit others to communicate with you about the case or discuss the case with you. If anyone approaches you and tries to talk to you about the case, please let me know about it immediately;

Do not use any electronic means or device, such as a smartphone, iPod, electronic tablet or notebook, to e-mail, text message, update a Facebook status or other online bulletin board, use Twitter or YouTube, or participate on any other social media platform to communicate any information about the case to anyone;

You must also not use search engines like Google, Bing, or Wikipedia, or otherwise search online for any information about the case, or the law which applies to the case, or the people involved in the case, including any party, witnesses, the lawyers, or the experts. You must not try to find the definition of any word, phrase, or concept by looking it up in any book, dictionary, encyclopedia, or Internet equivalent;

Do not read any news stories or articles appearing in any medium or listen to any radio, television, or other communication medium reports about the case or about anyone who has anything to do with it;

Violation of this instruction could cause a mistrial, meaning all of our efforts over the course of the trial would have been wasted and we would have to start with a new trial before a new jury. If you were to cause a mistrial by violating this order, you could be subject to paying all the costs of these proceedings and you also could be punished for contempt of court.

If you see another juror doing anything I have told you that is not allowed, you must tell me right away; and

If you need to communicate with me, simply give a signed note to the clerk to give to me.

PRELIMINARY INSTRUCTION NO. P-10

Do not make up your mind about what the verdict should be until after you have gone to the jury room to decide the case and you and your fellow jurors have discussed the evidence. Keep an open mind until then.

At the end of the trial, you will have to make your decision based on what you recall of the evidence presented during the trial. Additional evidence cannot be introduced once the evidence record is closed. You will not have a transcript of the trial. Therefore, I urge you to pay close attention to the testimony as it is given.

PRELIMINARY INSTRUCTION NO. P-11

The next phase of the trial will now begin. First, counsel for each side may make an opening statement. An opening statement is not evidence. It simply provides an outline to help you understand what that party expects that the evidence will show. A party is not required, however, to make an opening statement.

The government will then present its evidence. Counsel for the defendant may cross-examine the witnesses called by the government. The defendant may then present evidence. Counsel for the government may cross-examine the defendant's witnesses.

When all the evidence has been presented, I will instruct you further on the law that applies to the case. The lawyers will then make closing arguments.

After that, you will go to the jury room to deliberate on your verdict.

PRELIMINARY INSTRUCTION NO. P-12

We are about to take our first break during the trial. Until the trial is over, you are not to discuss this case with anyone, including your fellow jurors, members of your family, people involved in the trial, or anyone else, nor are you allowed to permit others to discuss the case with you. This includes discussing the case in person, in writing by phone or electronic means, via email, via text messaging, or any Internet chat room, blog, website or application, including but not limited to Facebook, YouTube, Twitter, Instagram, LinkedIn, Snapchat, or any other forms of social media. If anyone approaches you and tries to talk to you about the case, please let me know about it immediately. Do not read or listen to any news reports of the trial, including any online information. Finally, you are reminded to keep an open mind until all the evidence has been received and you have heard the arguments of counsel, the instructions of the court, and the views of your fellow jurors.